

Remarks

Reconsideration of the present application, as amended, is respectfully requested.

The current Office Action reopens prosecution of the present application after the applicant filed the Appeal Brief on December 21, 2006.

In the current Office Action, of previously pending claims 1-29, all were rejected. Claims 1-6 and 17-29 were rejected under 35 U.S.C. §101 for nonstatutory subject matter. Claims 24-28 were rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Application No. 2003/0001776, filed June 29, 2001 by E.C. Hannah *et al.* Claims 1-4, 6-17, 19-23 were rejected under 35 U.S.C. §103(a) as being obvious over the previously cited Kabala patent in view of U.S. Patent No. 6,259,898, which issued July 10, 2001 to D.E. Lewis. Claim 29 was rejected under 35 U.S.C. §103(a) as being obvious over the Lewis patent in view of U.S. Patent Application No. 2002/0164983, which was filed February 7, 2002 to L.O. Raviv *et al.*

In response, the applicants have canceled claims 24-28 and amended claims 1, 2, 5, 17, 20, 21 and 29.

Rejections of Claims 1-6 and 17-29 under 35 U.S.C. §101 for Nonstatutory Subject Matter.

With respect to claims 1-6, independent claim 1 has been amended so that computer code is recited as being “stored in said wireless transceiver device.” This should place the claim in accord with MPEP §2106.01. Dependent claim 2 has likewise been amended. Hence the rejection of claims 1-6 based upon 35 U.S.C. §101 should be removed.

With respect to the rejection of claims 17-29, the Examiner stated:

...[I]t appears to the Examiner that all the steps recited in the method claims merely perform the steps or instructions that are executed by the computer code or computer program. Since the software executes the set of instructions or steps recited; therefore, the process steps does not provide a transformation or reduction of an article to a different state or thing. Therefore, claims 17-29 are non-statutory.

This rejection puzzles the applicant who is at a loss how to respond to this rejection. The applicant understand the previous rejection of claims 1-6 to be based upon the prescription of 35 U.S.C. §101, “Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.” But in the rejection of claims

17-29, the Examiner admits that the claims are method claims, which are statutory subject matter. “[I]t appears to the Examiner that all the steps recited in the method claims merely perform the steps or instructions...(applicant’s underlining)”. Nonetheless, as the applicant understands the Examiner’s reasoning, the Examiner now finds that if such steps might be performed by a computer as instructed by software, the resulting steps do “not provide a transformation or reduction of an article to a different state or thing,” and therefore the claims are nonstatutory. As the applicant understands the basis for the rejection, the Examiner is stating that if a patent examiner finds that all the steps of a method claim might be performed by a computer, the claim is necessarily nonstatutory.

The applicant cannot follow this reasoning and respectfully requests clarification. The authority for the Examiner’s rejection, especially the case law and the interpretation of such case law such as found in the M.P.E.P, and how the Examiner is applying such authority would be most welcome to the applicant who, at this point, does not know how to respond. The Examiner’s cooperation is respectfully requested.

Rejection of Claims 24-28 under 35 U.S.C. §102 for Anticipation by Hannah

Claims 24-28 have been canceled.

Rejection of Claims 1-4, 6-17, and 19-23 under 35 U.S.C. §103 Over Kabala in View of Lewis

Of the claims rejected, including the three independent claims 1, 7 and 17, the Examiner addressed independent claim 17 specifically, which calls for:

A method for utilizing a transceiver device, the transceiver device being a wireless transceiver device, the transceiver device having a communications range, the method comprising:

receiving static location information into an editable field stored in memory associated with the transceiver device, the static location information being information pertaining to the transceiver device;

storing the static location information into the editable field;

receiving an indication that a roaming device is within the communications range;

creating a record, the record being arranged to include information associated with the roaming device;

adding the static location information into the record; and

storing the record in the memory.

The newly cited Lewis patent purportedly teaches the static information receiving step, the static information storing step, the static information adding step and the record storing step. Regarding the static information receiving step, the Examiner stated, “Lewis also discloses: receiving static information into an editable field stored in a memory (i.e., memory 34) associated with the transceiver device (i.e., access point 19), the static information being information pertaining to the transceiver device and storing the static information into the editable field (fig. 3, and its descriptions. Also, see col. 5, lines 9-25, and col. 6, lines 13-46); adding the static information into the record and storing the record in the memory (fig. 3, and its descriptions),...”.

The applicant respectfully disagrees. First, the Examiner finds that a purported equivalent of the reception of the applicant’s “static information” and storage in an editable field of the table shown in Fig. 3 of the Lewis patent, the equivalent of the applicant’s static information receiving step and the static information storing step. But in a perusal of the cited portions of the Lewis patent, the applicant has not found other steps which the Examiner has identified as corresponding to the applicant’s the static information adding step and the record storing step. The applicant assumes that the Examiner has found such other unidentified steps in the Lewis patent because an identification of the same step with the applicant’s static information adding step and the record storing step is not logical. The applicant respectfully requests that the Examiner explain where such other unidentified (to the applicant) steps appear in the cited Lewis patent.

Furthermore, claim 17 has been amended so that the “static information” now reads “static location information” to better distinguish and point out the applicant’s invention. Nowhere in the table shown in Fig. 3 of the Lewis patent is there a description of static location information pertaining to the transceiver device, as called for in the claim. The only information pertaining to the access point, which the Examiner has identified with the applicant’s transceiver device, in the Fig. 3 table is “which particular transceiver 36 in the access point 19 has been assigned to carry out communications with the mobile terminal 21 identified in the first column.” See col. 6, lines 5-7. It should be readily evident that such is not “static location information.”

Therefore, claim 17 should be allowable over the cited Kabala and Lewis patents. Dependent claims 19-23 should be allowable at least for being dependent upon an allowable base claim.

Turning to independent claim 1 which calls for:

A wireless transceiver device, the wireless transceiver device being arranged to interface with a roaming device, the wireless transceiver device comprising:

computer code stored in said wireless transceiver device, said computer code for causing static location input information associated with the wireless transceiver device to be accepted;

a memory arranged to store data, the memory further including an editable field, wherein the computer code for causing the static location input information to be accepted causes the static input information to be stored in the editable field;

computer code stored in said wireless transceiver device, said computer code for causing a record associated with the roaming device to be generated, the record being arranged to include the static location input information stored in the editable field and the data, wherein the computer code for causing the record associated with the roaming device to be generated further causes the record to be stored on the memory; and

a processor for executing the computer codes, wherein the memory is further arranged to store the computer codes.

Independent claim 1 should also be allowable for the same reasons advanced above with respect to claim 17, i.e., that the cited Lewis patent does not teach “static location input information associated with the wireless transceiver device,” as recited in the amended claim.

Also, there is no teaching in the Lewis patent of “computer code stored in said wireless transceiver device, said computer code for causing a record associated with the roaming device to be generated, the record being arranged to include the static location input information....”

Note also that in the Kabala patent, the central processor 110 associated with the Fig. 5 “records” is not a part of the transceivers 151-162.

Hence for at least these reasons, claim 1 should be allowable over the Kabala and Lewis patents. Claims 2-4 and 6 should also be allowable for at least being dependent upon an allowable base claim.

Remaining independent claim 7 calls for:

A wireless transceiver device, the wireless transceiver device being arranged to interface with a first device, the transceiver device comprising:

means for accepting input information associated with the wireless transceiver device;

means for storing data, the means for storing the data further including means for storing the input information in an editable field, wherein the means for accepting the input information includes means for providing the input information to the editable field; and

means for generating a record associated with the first device, the record being arranged to include the input information stored in the editable field, wherein the means for storing the data further includes means for storing the record.

Likewise, independent claim 7 should be allowable for the same reasons advanced with respect to independent claim 17. That is, as the applicant understands the Examiner's reasoning, the Lewis patent purportedly teaches the applicant's "means for accepting input information associated with the wireless transceiver device..." and "means for storing data,..." from the Fig. 3 table of the Lewis patent. But the equivalent of the applicant's "means for generating a record associated with the first device, the record being arranged to include the input information stored in the editable field..." is not taught in the Lewis patent, as far as the applicant has been able to determine.

Hence independent claim 7 should be allowable over the Kabala and Lewis patents. Claims 8-16 should also be allowable for at least being dependent upon an allowable base claim.

Rejection of Claim 29 under 35 U.S.C. §103 Over Lewis in View of Raviv

Claim 29 calls for:

A method for utilizing an access point, the access point having a communications range, the method comprising:

receiving static location information into an editable field stored in a memory of the access point, the static location information being information pertaining to the access point;

storing the static location information into the editable field;

receiving an indication that a roaming device is within the communications range;

registering the roaming device after the indication is received, wherein registering the roaming device includes performing a remote authentication;

creating a record after registering the roaming device, the record being arranged to include information associated with the roaming device;

obtaining the static location information from the editable field;

adding the static location information into the record; and

storing the record in the memory.

The applicant respectfully differs with the Examiner and points out that the rejection suffers from similar deficiencies as noted with respect to claim 17. The Examiner states the applicant 's receiving static location information step and storing static location information step are disclosed by the look-up table illustrated in Fig. 3 of the Lewis patent. Since the applicant finds no disclosure of an editable field *per se*, the information must be stored in the look-up table, as suggested by the cited portions of the Lewis patent, especially col. 4, lines 39-46. After registering the roaming device according to the Raviv patent, the Examiner suggests that a record is created in the Fig. 3 look-up table with information of the roaming device. As shown in Fig. 3, the identity of a roaming device is associated with the identity of an access point transceiver. "Generally speaking, the look-up table stored within the memory 34 enables the access point 19 to maintain a record insofar as how the various mobile terminals 21 registered to the access point 19 correspond to and are serviced by multiple transceivers included in the access point 19." Col. 4, lines 41-46.

However, how are the static information obtaining step, static location information adding step and record storing step accounted for? The Examiner has already created a record with the roaming device information and the access point information. If the Examiner assumes that the look-up table reshuffles the information in a record so as to carry out the applicant's static information obtaining, static location information adding and record storing steps, such a reshuffling is subject to at least two criticisms. First, there is no such description of such a reshuffling. Secondly, such a reshuffling is inefficient. Assuming *arguendo* that a reshuffling were performed, such a reshuffling would not obtain the static location information and add that information into the record and store that record, since the static location information pertains to the access point and is unlikely to change. Rather, it is the information associated with the roaming device which would be obtained, added into the record and stored, since that information is likely to change.

Finally, claim 29 has been amended so that "static information" becomes "static location information." As pointed out earlier, the applicant has been unable to find information stored in the Fig. 3 table of the Lewis patent which is "static location information," as recited in the claim.

The information pertaining to the access point stored in the look-up table is identity of the transceivers included in the access point 19.

Hence independent claim 29 is not obvious over the cited Lewis and Raviv patents and should be allowable.

Therefore, in view of the amendments above and the remarks directed thereto, the applicant requests that the rejections be withdrawn, that claims 1-23 and 29 be allowed, and the case be passed to issue. If a telephone conference would in any way expedite the prosecution of the application, the Examiner is asked to call the undersigned at (408) 868-4088.

Respectfully submitted,

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